LAW OFFICES OF

VAN COTT, BAGLEY, CORNWALL & McCARTHY

A PROFESSIONAL CORPORATION

SUITE 1600

50 SOUTH MAIN STREET

SALT LAKE CITY, UTAH 84144

TELEPHONE (801) 532-3333

FACSIMILE (801) 534-0058 TELEX 453149

ADDRESS ALL CORRESPONDENCE TO

POST OFFICE BOX 45340

84145-0450

WRITER'S DIRECT DIAL NUMBER

July 30, 1991

BENNETT, HARKNESS & KIRKPATRICK 1874-1890

BENNETT, MARSHALL & BRADLEY

BENNETT, HARKNESS, HOWAT SUTHERLAND & VAN COTT 1896-1902

SUTHERLAND, VAN COTT & ALLISON 1902-1907

VAN COTT, ALLISON & RITER

VAN COTT, RITER & FARNSWORTH 1917-1947

OGDEN OFFICE SUITE 900 2404 WASHINGTON BOULEVARD OGDEN, UTAH 84401 (801) 394-5783

PROVO OFFICE SUITE 275 3549 N. UNIVERSITY AVENUE PROVO, UTAH 84604 (801) 375-5666

OF COUNSEL
CLIFFORD L. ASHTON
DALE T. BROWNING
JAMES P. COWLEY
JOHN CRAWFORD, JR.
WILLIAM L. FILLMORE
DAVID L. GILLETTE
MARLIN K. JENSEN
GEORGE J. M°MILLAN
JOEL G. MOMBERGER
THOMAS L. MONSON

MEMBERS, UTAH SUPREME COURT ADVISORY COMMITTEE ON CIVIL PROCEDURE

Dear Advisory Committee Members:

LEONARD J. LEWIS
DAVID E. SALISBURY
M. SCOTT WOODLAND
NORMAN S. JOHNSON
RICHARD K. SAGER
STEPHEN D. SWINDLE
ROBERT D MERRILL
WILLIAM G. FOWLER
GREGORY D. WILLIAMS

WILLIAM G. FOWLER GREGORY P. WILLIAMS ALAN F. MECHAM BRENT J. GIAUQUE E. SCOTT SAVAGE JOHN S. KIRKHAM KENNETH W. YEATES RAND L. COOK JOHN A. SNOW DAVID A. GREENWOOD MAXILIAN A. FARBMAN ARTHUR B. RALPH ALAN L. SULLIVAN ROBERT A. PETERSON J. KEITH ADAMS PHILLIP WM. LEAR THOMAS T. BILLINGS RICHARD C. SKEEN JOHN T. RELSEN

RICHARD C. SKEEN
JOHN T. NIELSEN
MICHAEL F. RICHMAN
DANNY C. KELLY
STEVEN D. WOODLAND
THOMAS A. ELLISON
RICHARD H. JOHNSON, II
H. MICHAEL KELLER
BRENT D. CHRISTENSEN
ELIZABETH A. WHITSETT
JEFFREY E. NELSON
PATRICIA M. LEITH
DAVID J. JORDAN

DAVID J. JORDAN R. STEPHEN MARSHALL THOMAS G. BERGGREN MICHAEL J. GLASMANN

ERVIN R. HOLMES RONALD G. MOFFITT ERIC C. OLSON PATRICK J. O'HARA ROBERT B. LENCE

S. ROBERT BRADLEY

MATTHEW F. MCNULTY, III

S. ROBERT BRADLEY
JON C. CHRISTIANSEN
GUY P. KROESCHE
JOHN A. ANDERSON
WAYNE O. SWAN
GREGORY N. BARRICK
JULIE A. MATIS
SCOTT M. HADLEY
TIMOTHY W. BLACKBURN
WILLIAM R. RICHARDS
DONALD L. DALTON
GERALD H. SUNIVILLE
MARILYN M. HENRIKSEN
DAVID R. BLACK

MARILYN M. HENRIKSEN
DAVID R. BLACK
MARVIN D. BAGLEY
DAVID L. ARRINGTON
THOMAS E. NELSON
JOHN W. ANDREWS
KATHRYN H. SNEDAKER
SUSAN G. LAWRENCE
PHYLLIS J. VETTER
CASEY K. MGGARVEY
KATHRYN DEAN KENDELL
DOUGLAS A. TAGGART
JEREMY M. HOFFMAN
CLARK K. TAYLOR
JODI L. HOWICK
DOUGLAS B. THOMAS
BRYON J. BENEVENTO
DOUGLAS B. THOMAS
BRYON J. BENEVENTO
DOUGLAS C. TINGEY
NATHAN W. JONES

NATHAN W. JONES ROBERT W. PAYNE SUSAN A. TUMAY

I would like to take this opportunity to welcome all of you to the Committee. For those of you who are veterans, let me congratulate you on your continued service. For those of you who are new members, I appreciate your willingness to participate in the work of the committee. Over the past several years, we have been instrumental in making a number of important changes to the Rules of Civil Procedure. Our work has been interesting and challenging.

I have enclosed for your information a copy of the roster of our committee effective July 1, 1991. A special welcome to new members Kevin Anderson, Tom Karrenberg, Perrin Love, Mary Anne Wood, and John Young. Jaryl Rencher, who has worked as a non-voting scribe for the past three or four years is now a full-fledged member. We welcome him as well.

The next meeting of our committee will be held on Thursday, September 19, 1991, beginning at 4:00 p.m. (Normally, we will meet on the third Wednesday of each month. In September, however, the third Wednesday falls on Yom Kippur, and we will not meet on that date but on the following day.) Our meetings will all take place in the council room of the Administrative Office of the Courts, 230 South 500 East, #300, Salt Lake City, Utah As the date of our meeting draws near, I will provide you with a detailed agenda and some reading materials to assist you in preparing for the meeting. : - TT

ADMIN. OFFICE

Members of Utah Supreme Court Advisory Committee on Civil Procedure July 30, 1991 Page 2

We are now engaged in a number of interesting projects. One of them has to do with changes in the discovery rules, including a proposed change to Rule 35(a), which would allow mental or physical examinations by professionals other than physicians. We are also involved in a major revision of Rule 69. Further in the background, we are considering major changes to Rule 56 and other rules.

I invite each of you to bring to the committee your ideas for improvements to the rules. Many of the changes that we have made so far have resulted from suggestions by committee members or from the practicing bar. If you have materials that you would like to circulate to members of the committee, please let me know and I will be happy to send out a mailing.

Colin Winchester of the Administrative Office of the Courts acts as our staff. He has been extremely helpful in assisting us in scheduling and in performing factual and legal research. We look forward to working with Colin over the next year.

If you have any questions about the function of the committee or our schedule, please call me at any time. I look forward to seeing you in September.

Very truly yours,

Alan L. Sullivan

ALS/kr

Colin Winchester, Esq.